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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/598,138	08/18/2006	Horst Lautenschlager	000008-008	1474
44912	7590	04/15/2009		
WRB-IP LLP 1217 KING STREET ALEXANDRIA, VA 22314			EXAMINER TRAN, HANH VAN	
			ART UNIT 3637	PAPER NUMBER
			NOTIFICATION DATE 04/15/2009	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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**Office Action Summary****Application No.**

10/598,138

**Applicant(s)**

LAUTENSCHLAGER, HORST

**Examiner**

HANH V. TRAN

**Art Unit**

3637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 February 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This is the Final Office Action from the examiner in charge of this application in response to applicant's amendment dated 2/1/2009.

#### ***Claim Objections***

2. Claims 1-10 are objected to because of the following informalities: in each of the claims, line 1, "Adjustment device" should be "An adjustment device". Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 103***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 1-13 stand rejected under 35 U.S.C. 103(a) as being unpatentable over German 584887 to N.V. Ijzermatschappij in view of USP 4,449,689 to Lautenschlager.

N.V. Ijzermatschappij discloses an adjustment device comprising all the elements recited in the above listed claims including, such as shown in Fig 1, a fixing screw r, a fitting plate having an elongated hole through which the fixing screw protrudes, the elongated hole extending in adjustment direction of the fitting plate, a

rotating disc d, the fixing screw extending through a bore of the rotating disc, the rotating disc being arranged in a pivotable manner, a spiral-shaped guiding groove e provided on the rotating disc into which a guiding body connected to the fitting plate is engaged, the rotating disc having on its outer surface facing away from the fitting plate a tooling shoulder k, wherein the adjustment device can be used at various parts of a furniture. The differences being that N.V. Ijzermatschappij fails to disclose the disc being arranged on an outer side of the fitting plate, the tooling shoulder is a profile recess of crosstip recess, and the guiding groove extends over a circumferential angle of more than 360 degrees.

Lautenschlager teaches the idea of providing an adjustment device, such as shown in Figs 4 & 13-14, with a rotating disc 46 having a guiding groove which extends over a circumferential angle of more than 360 degrees in order to permit a larger range of adjustment positions. Lautenschlager further discloses the disc being arranged on an outer side of a fitting plate 24, a tooling shoulder having a profile recess to receive the head of a flat-head screw driver, the use of a screw driver provides easy adjustment of the device. Therefore, it would have been obvious to modify the structure of N.V. Ijzermatschappij by having the disc being arranged on an outer side of the fitting plate, the tooling shoulder being a profile recess to receive the head of a screw driver in order to facilitate adjustment of the device, and the guiding groove extending over a circumferential angle of more than 360 degrees in order to permit a larger range of adjustment positions, as taught by Lautenschlager, since both teach alternate conventional adjustment device structure, thereby providing structure claimed. In regard

to the profile recess being a crosstip recess, the examiner respectfully takes the official position that providing an adjustment device with a crosstip profile recess for a crosstip screwdriver is well known in the art.

***Response to Arguments***

6. Applicant's arguments filed 2/1/2009 have been fully considered but they are not persuasive. In response to applicant's argument on page 2 that the rotation of the disc d in the device of DE 584887 does not permit adjustment of the furniture parts a and c, the examiner respectfully disagrees and takes the position that the rotation of the disc d in the device of DE 584887 does indeed permit adjustment of the furniture parts a and c relative to each other by either increase or decrease the clamping force between the two furniture parts.

7. In response to applicant's question on page 3 of what is considered to correspond to the elongated hole in a fitting plate as recited in claim 1, the examiner respectfully takes the position that the hole in the disc m through which the screw r extends is elongated in the thickness direction of the plate, thus meets the claimed limitation of an elongated hole in the fitting plate.

8. In response to applicant's argument on page 3 that one skill in the art would not have modified DE '887 in view of Lautenschlager et al because they are designed to perform different functions, the examiner respectfully takes the position that both are drawn to furniture bracket/connection device, thus would be in the same field of endeavor.

***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HANH V. TRAN whose telephone number is (571)272-6868. The examiner can normally be reached on Monday-Thursday, and alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HVT  
April 12, 2009

/Hanh V. Tran/  
Primary Examiner, Art Unit 3637